



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

JRE  
Docket No: 1976-99  
24 January 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 21 January 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this regard, the Board noted that you underwent a pre-separation physical examination during the 26 September-19 October 1989 period, and were found physically qualified for separation. You stated that your health was good at that time, and there was no indication that you suffered from any endocrine or mental disorders. The fact that the Department of Veterans Affairs (VA) granted you disability compensation for Graves disease and a mental disorder was not considered probative of error or injustice in your case, as it appears that you obtained that compensation fraudulently by falsely testifying under oath that you had not undergone a physical examination in conjunction with your voluntary discharge from the Navy on 20 October 1989 for pregnancy. In addition, the Board noted that the VA granted service connection for the aforementioned conditions based on the conclusion that had you undergone a "...separation exam, she would have likely elicited some symptoms of increasing activity of the thyroid." That conclusion is erroneous because, as previously noted, you were accorded a separation examination, and because no symptoms of Graves disease were disclosed or noted during the physical examination you underwent on 2 June 1990 in connection with enlistment in the Naval Reserve. The Board noted that as you were discharged from the Navy on 20 October 1989, you were not entitled to receive a physical examination during January 1990, after the delivery of your child, to determine your fitness

for active duty service.

In view of the foregoing, and as you have not demonstrated that you were unfit to perform your duties at the time of your discharge from the Navy in 1989, the Board was unable to recommend any corrective action in your case. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director